

07-11-05

DAC
JWU.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE
DEPOSIT INFORMATION

Express Mail Label No.: EV 326038531 US

Date of Deposit: July 8, 2005

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Zahid Najam et al.

Appln. No.: 09/858,324

Filed: May 15, 2001

For: Apparatus and Method for Interfacing with a
High Speed Bi-Directional Network

Attorney Docket No: 10736/8

Examiner: Christian Chace

Art Unit: 2189

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal Letter (1 page, in duplicate); Request for Reconsideration of Petitions Under 37 C.F.R. §1.48(a) and 37 C.F.R. §1.183 (2 pages); Written Consent to Correction of Inventorship Pursuant to 37 C.F.R. §1.48(a)(5) and 37 C.F.R. §1.324(b)(3) and 37 C.F.R. §3.73(b) (1 page); Declaration of Facts Concerning Unavailable Inventor (3 pages); and Copy of Assignment to Cloudshield Technologies, Inc. (4 pages)
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(h).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Dustin H. Bettendorf (Reg. No. 56,507)July 8, 2005
Date



Express Mail" mailing label number EV 326038531 US

Date of Deposit: July 8, 2005

Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Najam, et al)
)
Serial No. 09/858,324) Examiner: CHRISTIAN CHACE
)
Filing Date: May 15, 2001) Group Art Unit No.: 2189
)
For APPARATUS AND METHOD FOR)
INTERFACING WITH A HIGH)
SPEED BI-DIRECTIONAL)
NETWORK)

**REQUEST FOR RECONSIDERATION OF PETITIONS
UNDER 37 C.F.R. §1.48(a) AND 37 C.F.R. § 1.183**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request reconsideration of the decision dismissing Applicants' petitions under 37 C.F.R. § 1.48(a) and 37 C.F.R. § 1.183 filed March 3, 2005. In the Dismissal, the Petitions Attorney urged the Applicants to specifically address the two deficiencies of the original petitions noted in the dismissal: 1) the lack of proper written consent of the assignee, Cloudshield Technologies, Inc. pursuant to 37 C.F.R. §§ 1.48(a)(5) and 3.73(b); and 2) the lack of a showing of inability to reach Andrew Nguyen, the unavailable inventor pursuant to 37 C.F.R. § 1.183 and MPEP 201.03. To correct the noted deficiencies, two additional documents are provided with this Request for Reconsideration: 1) proper written consent of the assignee Cloudshield Technologies, Inc. pursuant to 37 C.F.R. § 3.73(b); and 2) a declaration setting forth the steps taken to locate Andrew Nguyen, the unavailable inventor.

Applicants have calculated no fee to be due in connection with the filing of this Request for Reconsideration. However, the Director is authorized to charge any deficiency associated with the filing of this statement to a deposit account, as authorized in the Transmittal accompanying this Request for Reconsideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dustin H. Bettendorf', is written over a horizontal line.

Dustin H. Bettendorf
Registration No. 56,507
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Najam, et al)
Serial No. 09/858,324) Examiner: CHRISTIAN CHACE
Filing Date: May 15, 2001) Group Art Unit No.: 2189
For APPARATUS AND METHOD FOR)
INTERFACING WITH A HIGH)
SPEED BI-DIRECTIONAL)
NETWORK)

**WRITTEN CONSENT TO CORRECTION OF INVENTORSHIP PURSUANT TO
37 C.F.R. § 1.48(a)(5) AND 37 C.F.R. § 1.324(b)(3) AND 37 C.F.R. § 3.73(b)**

Pursuant to 37 C.F.R. § 1.48(a) and 37 C.F.R. § 1.324(a), the inventive entity is set forth in error in an executed 37 C.F.R. § 1.63 oath/declaration in the above captioned nonprovisional patent application. Such error arose on the part of the persons who, through error and without deceptive intent, were not named as inventors.

Pursuant to 37 C.F.R. § 3.73(b), CloudShield Technologies, Inc., by virtue of an assignment from the originally named inventors, a copy of which is attached, is the assignee of the above captioned patent application and hereby consents to the correction of inventorship filed herewith.

Pursuant to 37 C.F.R. § 3.73(b)(2)(i), this submission may be signed by any person, if the submission sets forth that the person signing is authorized to act on behalf of the assignee. I, Peder Jungck, am authorized to act on behalf of CloudShield Technologies, Inc.

Respectfully submitted,


Peder Jungck
Chief Technical Officer
Chairman of the Board of Directors
CloudShield Technologies, Inc.

7-7-05
Date



Our Case No. 10736/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Najam, et al)	
)	Examiner: CHRISTIAN CHACE
Serial No. 09/858,324)	
)	Group Art Unit No.: 2189
Filing Date: May 15, 2001)	
)	
For APPARATUS AND METHOD FOR)	
INTERFACING WITH A HIGH)	
SPEED BI-DIRECTIONAL)	
NETWORK)	
)	
)	

DECLARATION OF FACTS CONCERNING UNAVAILABLE INVENTOR

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the re-execution of the declaration by the unavailable inventor for the above-identified patent application.

This declaration is being made by a person having first-hand knowledge of the facts recited herein.

1. I, James L. Katz, am a registered patent attorney (Reg. No. 42,711) representing CloudShield Technologies Inc., in the above-identified patent application. CloudShield Technologies, Inc. is the assignee of the rights in the above-identified patent application.
2. On August 27, 2001, I filed a properly executed declaration identifying inventors, Zahid Najam, Peder J. Jungck, Macduy T. Vu, and Andrew T. Nguyen for the above-identified patent application.
3. On August 27, 2001, I filed an assignment executed by Zahid Najam, Peder J. Jungck, Macduy T. Vu, and Andrew T. Nguyen, assigning all right, title, etc. in the above-identified patent application to CloudShield Technologies, Inc.
3. Subsequently, it was made known to me that the inventive entity was set forth in error in the executed declaration because Greg Triplett was not listed as a named inventor. Such

error arose on the part of the persons who, through error and without deceptive intent, were not named as inventors.

4. A new declaration was prepared to be re-executed identifying Zahid Najam, Peder J. Jungck, Macduy T. Vu, Andrew T. Nguyen, and Gregory Triplett as joint inventors, along with a petition under 37 C.F.R. § 1.48 to correct the inventorship. On December 2, 2004, I sent an electronic copy of the application papers (specification, claims, drawings, and declaration) and petition to Peder J. Jungck, so he could coordinate the signatures of all of the inventors.

5. On February 11, 2005, Mr. Jungck asked for assistance in securing the signatures of the two outstanding inventors, Macduy T. Vu and Andrew T. Nguyen. In due course I contacted and obtained an executed declaration from Macduy T. Vu.

6. Subsequently on February 11, 2005, I telephoned Mr. Nguyen to inquire as to whether he would sign and return the new declaration. Mr. Nguyen stated to me he that he never received the declaration from Mr. Jungck but that he would sign the new declaration if I sent it to him and that he would further return it to me immediately.

7. On February 14, 2005, I sent Mr. Nguyen a prepaid self-addressed return FedEx envelope and a copy of the application papers (specification, claims, drawings, and declaration) via Federal Express to his current place of residence at 3239 Heritage Oaks Court, San Jose, CA 95148.

8. On February 15, 2005, I confirmed that Mr. Nguyen received the application papers as evidenced by the attached tracking receipt. I further called Mr. Nguyen's residence and a woman purporting to be Mr. Nguyen's wife confirmed that Mr. Nguyen had received these documents.

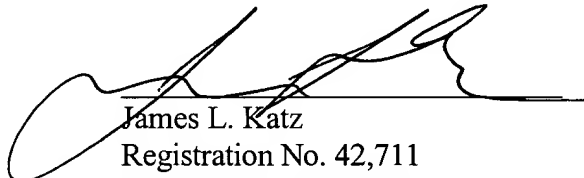
9. Subsequent to February 16, 2005, and up until March 3, 2005 when the original petition to correct inventorship was filed listing Mr. Nguyen as an unavailable inventor, I attempted to telephone Mr. Nguyen at both his home number and his cellular telephone number on a daily basis. Mr. Nguyen did not answer his telephone and failed to respond to the numerous voice mail messages asking him to contact me and/or return the signed declaration. Mr. Nguyen has not contacted me nor sent back the signed declaration using the prepaid self-addressed return FedEx envelope that I provided.

10. On June 27, 2005 and June 28, 2005, I again attempted to reach Mr. Nguyen at both his home telephone number and his cellular telephone number with no answer at either number.

11. Diligent steps have been taken to locate Mr. Ngyuen, but he is unavailable to re-execute a new declaration setting forth the correct inventive entity.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


James L. Katz
Registration No. 42,711
Attorney for Applicants

7/8/05
Date

ASSIGNMENT

WHEREAS, Zahid Najam, Peder J. Jungck, Macduy T. Vu and Andrew T. Nguyen, hereinafter called the "Assignors", have made the invention described in the United States patent application entitled APPARATUS AND METHOD FOR INTERFACING WITH A HIGH SPEED BI-DIRECTIONAL NETWORK, for a full description of which reference is here made to an application for Letters Patent of the United States filed on May 15, 2001, and assigned Application Serial No. 09/858,324;

WHEREAS, Cloudshield Technologies, Inc., a corporation organized and existing under the laws of the State of Delaware, having a place of business at 2302 Zanker Road, Suite 200, San Jose, California 95131, hereinafter called the "Assignee", desires to acquire the entire right, title and interest in and to the invention and the patent application identified above, and all patents which may be obtained for said invention, as set forth below;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), and other valuable and legally sufficient consideration, the receipt of which by the Assignors from the Assignee is hereby acknowledged, the Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer to the Assignee, the entire right, title and interest for the United States in and to the invention and the patent application identified above, and any patents that may issue for said invention in the United States; together with the entire right, title and interest in and to said invention and all patent applications and patents therefor in all countries foreign to the United States, including the full right to claim for any such application all benefits and priority rights under any applicable convention; together with the entire right, title and interest in and to all continuations, divisions, renewals and extensions of any of the patent applications and patents defined above; to have and to hold for the sole and exclusive use and benefit of the Assignee, its successors and assigns, to the full end of the term or terms for all such patents.

The Assignors hereby covenant and agree, for both the Assignors and the Assignors' legal representatives, that the Assignors will assist the Assignee in the prosecution of the patent application identified above; in the making and prosecution of any other patent applications that the Assignee may elect to make covering the invention identified above; in

vesting in the Assignee like exclusive title in and to all such other patent applications and patents; and in the prosecution of any interference which may arise involving said invention, or any such patent application or patent; and that the Assignors will execute and deliver to the Assignee any and all additional papers which may be requested by the Assignee to carry out the terms of this Assignment.

The Commissioner of Patents and Trademarks is hereby authorized and requested to issue patents to the Assignee in accordance with the terms of this Assignment.

IN TESTIMONY WHEREOF, the Assignors have executed this agreement.

DATED: 8-9-01

Z. Najam
Zahid Najam

DATED: 8-9-01

Peder J. Jungok
Peder J. Jungok

DATED: 8-9-01

Macduy T. Vu
Macduy T. Vu

DATED: 8-9-01

Andrew T. Nguyen
Andrew T. Nguyen

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Zahid Najam, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

9th IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this day of AUGUST, 2001.

(SEAL)



Bonnie Murphy
Notary Public

My Commission Expires: 7-6-05

STATE OF CALIFORNIA)
) SS.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Peder J. Jungck, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

9th IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this day of AUGUST, 2001.

(SEAL)



Bonnie Murphy
Notary Public

My Commission Expires: 7-6-05

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Macduy T. Vu, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

9th IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this day of AUGUST, 2001.

Bonnie Murphy
Notary Public

(SEAL)

My Commission Expires: 7-6-05

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, BONNIE MURPHY, A Notary Public in and for the County and State aforesaid, do hereby certify that Andrew T. Nguyen, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that (s)he signed, sealed and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.

9th IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal, this day of AUGUST, 2001.



(SEAL)

Bonnie Murphy
Notary Public

My Commission Expires: 7-6-05